

REMARKS/ARGUMENTS

In the specification, Applicants have updated the related applications paragraph. Claims 11-40 remain in this application. Claim 1 has been canceled without prejudice, and applicants reserve the right to pursue the subject matter of such claim is a continuation/divisional application.

Rejection Under 25 USC 112 First Paragraph

Claim 1 was rejected under 35 USC 112, First Paragraph. See Page 3 of Office Action. Applicants respectfully disagree, but in order to further the present application to allowance, Applicants (as stated above) have cancelled claim 1. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Rejection Under 25 USC 112 Second Paragraph

I

Claim 11 was rejected under 35 USC 112, Second Paragraph. See Page 4 of the Office Action. According to the Office Action, "since the claim does not set forth any steps involved in the method/process." Applicants respectfully disagree. Claim 11 recited the step of "topically applying a composition comprising an extract of feverfew to said human wherein said extract is substantially free of α -unsaturated γ -lactone." The Office Action further states that "undue experimentation would be required to practice the invention as claimed." Applicants again respectfully disagree as one of ordinary skill in the art would know how to topically apply such an extract. The Office Action fails to state any clear reason to the contrary. As stated in *In re Angstadt*, 190 USPQ 214, 219 (CCPA 1976) "the PTO has the burden of giving reasons supported by the record as a whole, why the specification is not enabling." Accordingly, Applicants respectfully request that the above rejection be withdrawn.

II

Claims 14-16 were rejected under 35 USC 112. See Page 4 of the Office Action. According to the Office Action, the statement "said composition comprises between about . . . by weight of said extract" is confusing "because it conflicts with claim 11 which states that the extract was contained in the composition not the opposite which is indicated by claims

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claims 14-16.” Applicants again respectfully disagree. Claim 11 states “a composition comprising an extract” and claims 14-16 recite “wherein the composition comprises between about 0.001% to about 10% by weight of said extract.” Thus, Applicants do not see any contradiction. Accordingly, Applicants respectfully request that the above rejection be withdrawn.

Double Patenting

Claims 1 and 11-40 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of US patent No. 6,410,062. See page 5 of the Office Action. Applicants agree to submit an appropriate terminal disclaimer upon the indication of allowable subject matter in the present application.

Rejection Under 35 USC 102

Claim 1 was rejected under 35 USC 102(b) as being anticipated by the Derwent English abstract of HU 210294 and under 35 USC 102(e) as being anticipated by US Patent No. 6,153,208. See Pages 5-6 of the Office Action. Applicants respectfully disagree. However, as previously stated, in order to further the present application to allowance, Applicants (as stated above) have cancelled claim 1. Accordingly, Applicants respectfully request that this rejection be withdrawn.

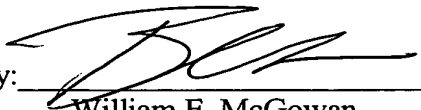
Rejection Under 35 USC 103

Claim 1 was rejected under 35 USC 103 as being unpatentable over US Patent No. 5,905,089 in view of US Patent No. 5,384,121. Applicants respectfully disagree. However, as previously stated, in order to further the present application to allowance, Applicants (as stated above) have cancelled claim 1. Accordingly, Applicants respectfully request that this rejection be withdrawn.

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Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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